

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 721-B Z.C. Case No. 91-10 (R-5 Text Amendments) March 11, 1996

Case No. 91-10 was an initiative of the Zoning Commission for the District of Columbia to consider and adopt appropriate amendments to the text of the District of Columbia Municipal Regulations (DCMR), Title 11, Zoning. The amendments created and mapped a new R-5-C zone district with height and density standards between those of the previously existing R-5-B and R-5-D zone districts.

The R-5 amendments established a zone district that is more representative of a medium density residential land use category, and required that previously existing provisions for the R-5-C zone district become those for the R-5-D zone district and that those for the previously existing R-5-D zone district become those for the newly designated R-5-E zone district. The purposes of the amendments are to help eliminate inconsistencies with the Comprehensive Plan, and to implement the land use and development policies of the Plan.

Z.C. Order No. 721 in Z.C. Case No. 91-10 was adopted by the Commission on October 19, 1992, and became final and effective upon publication in the D.C. Register on November 13, 1992 (39 DCR 8305).

By Z.C. Order No. 721-A, the Zoning Commission for the District of Columbia corrected an inadvertent failure to reclassify all former R-5-C and R-5-D zone districts to R-5-D and R-5-E, respectively, in Chapter 10 of 11 DCMR (Mixed Use Diplomatic District), and in Subsection 210.3 of 11 DCMR. Order No. 721-A also corrected references to R-5-B and R-5-C that were necessary for internal consistency of the Regulations.

At its public meeting of October 23, 1995, the Zoning Commission considered recommendations presented by the Director of the Office of Zoning (OZ) and contained in an OZ memorandum dated October 12, 1995, and a supporting memorandum from the Office of Planning dated October 12, 1995, regarding a technical error in Z. C. Order No. 721. The Commission's original deliberations in this case failed to carry over the then existing R-5-C parking requirements for hotels or inns to the new R-5-D zone district requirements. This technical error was brought to the attention of the Office of

Zoning by a citizen who lives in the neighborhood with an existing hotel.

Order No. 721 set the parking requirements for a hotel or inn use in an R-5-D District at "one space for each four sleeping rooms or suites" instead of the then existing R-5-C requirements of "one space for each two sleeping rooms or suites." This is clearly a technical error. The record of this case is devoid of any testimony or evidence that the Commission intended to lower the parking requirement for a motel or inn use in the new R-5-D District. Throughout the proceedings in this case, the Commission expressed its intent to maintain the then existing R-5-C requirements for carryover to the new R-5-D District.

Both the Office of Zoning in its October 12, 1995 memorandum and the Office of Planning in its October 12, 1995 memorandum stated that the Commission's intent was to carry over the then existing R-5-C requirements to the R-5-D zone district.

At its public meeting on October 23, 1995, the Zoning Commission took proposed action to correct the technical error related to the parking requirements of a hotel or inn use in the R-5-D District. The Commission determined that the failure to revise the provisions was a technical error.

The Commission believes that the public hearing notice in this case provided adequate notice to allow the correction. The Commission further believes that the correction is in the best interest of the District of Columbia, is consistent with the intent and purpose of the Zoning Regulations and the Zoning Act, and is not inconsistent with the Comprehensive Plan for the National Capital.

A notice of proposed rulemaking was published in the December 22, 1995 (42 DCR 7107) edition of the D.C. Register which was published on January 19, 1996. Because of the late publication of the D.C. Register, the 30-day public comment period was extended to February 20, 1996. As a result of the publication of that notice, the Commission received no comments from interested persons or entities.

The proposed decision of the Zoning Commission was referred to the National Capital Planning Commission (NCPC), under the terms of the District of Columbia Self-Government and Governmental Reorganization Act. The Executive Director of NCPC by report dated November 30, 1995, pursuant to Part III, Paragraph 10 of the National Capital Planning Commission Delegation of Authority, concluded that there is no Federal interest in this text amendment, and found that the proposed amendment is not inconsistent with the Comprehensive Plan for the National Capital and would not adversely

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affect the Federal Establishment or other Federal interests in the National Capital.

In consideration of the reasons set forth in this order, the Zoning Commission for the District of Columbia hereby **ORDERS APPROVAL** to amend the text of the Zoning Regulations as follows:

1. Amend the table in Subsection 2101.1 under the "USES, Hotel or inn:" column (p. 21-3) by deleting "R-5-D" from the category "1 for each 4 sleeping rooms or suites" and adding it to the category "1 for each 2 sleeping rooms or suites."

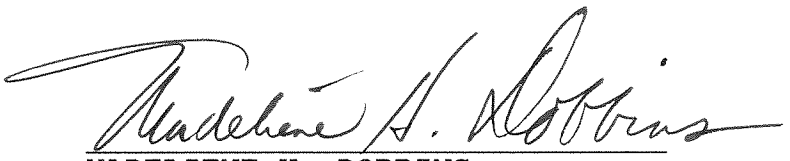
Vote of the Zoning Commission taken at the public meeting on October 23, 1995 to correct the technical error in Subsection 2101.1: 4-0 (Maybelle Taylor Bennett, John G. Parsons, William L. Ensign, and Jerrily R. Kress to correct).

This order was adopted by the Zoning Commission at its public meeting on March 11, 1996 by a vote of 3-0: (Jerrily R. Kress and John G. Parsons to adopt, Maybelle Taylor Bennett to adopt by absentee vote; William L. Ensign not present, not voting).

In accordance with 11 DCMR 3028.8, this order is final and effective upon publication in the D.C. Register, that is on _____.

MAR 29 1996


JERRILY R. KRESS
Chairperson
Zoning Commission


MADELIENE H. DOBBINS
Director
Office of Zoning

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